

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN THE MATTER OF THE SEARCH OF A
SILVER 2008 HONDA CIVIC TWO-DOOR,
VIN 2HGFG128X8H510900

Case No. 09-400-M-01

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION UNDER RULE 41
FOR A SEARCH WARRANT**

I, being first duly sworn, hereby depose and state as follows:

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INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent employed by the Federal Bureau of Investigation (FBI). I have been so employed for more than 5 years. I am currently assigned to the FBI's Washington Field Office, in Washington, D.C. My primary duty as an agent is to investigate allegations of civil rights violations, corporate fraud and mortgage fraud.

2. This affidavit contains information necessary to support a finding of probable cause for a search warrant. The affidavit is based on my personal knowledge and observations during the course of this investigation, information conveyed to me by other law enforcement officials, and my review of records, documents and other physical evidence obtained during the investigation. It is not intended to include each and every fact and matter observed by me or known by the government, and it is being submitted solely for the purpose of providing sufficient information to establish probable cause to search the vehicle described in Attachment A.

3. On June 8, 2009, Trey Joyner was shot during a traffic stop by United States Park Police ("USPP") Officers investigating a report that Mr. Joyner was in illegal possession of a firearm. Mr. Joyner later died. The D.C. Metropolitan Police Department ("MPD") began the investigation into this incident. On June 19, 2009, the investigation was turned over to your affiant and other members of the FBI to determine whether there was any violation of 18 U.S.C. Section 242.

THE LAW

4. I am advised that Title 18 U.S.C. Section 242 makes it a felony for a person acting under color of law, statute, ordinance, regulation or custom, to willfully subject or cause to be subjected to any inhabitant, different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such inhabitants being an alien or by reason of his/her color or race. Acts under "color of law" include acts not only done by Federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority.

FACTS ESTABLISHING PROBABLE CAUSE

5. On June 8, 2009, a confidential informant contacted USPP Officers and told them that Mr. Joyner was operating a silver two-door 2008 Honda while in possession of a handgun.

6. While Mr. Joyner drove the 2008 Honda, USPP Officers performed a traffic stop near the alley beside 1207 Holbrook Street, NE, Washington, D.C. As Mr. Joyner exited the 2008 Honda, there was an incident between him and the USPP Officers in which the USPP Officers discharged their service firearms, striking and fatally wounding Mr. Joyner. This entire incident occurred in close proximity to the 2008 Honda. According to law enforcement and civilian witnesses, during the incident, a firearm belonging to Mr. Joyner landed on the ground near the 2008 Honda.

7. On June 9, 2009, a Judge of the Superior Court in Washington, D.C., authorized a search warrant for the 2008 Honda as part of an investigation being conducted by the MPD into the homicide. The MPD executed a partial search of the 2008 Honda on June 11, 2009 and, inter alia, seized mail matter in the name of "Joyner, Trey Alexander" and a registration card in the name of a woman who it was later learned was dating Mr. Joyner. The MPD has since maintained custody of the 2008 Honda.

8. It is believed that further examination of the entire 2008 Honda and all of its compartments for evidence, including but not limited to, DNA, trace hair and fiber, fingerprint and firearms evidence, would produce evidence material to this investigation.

CONCLUSION

9. I believe that a further examination of this 2008 Honda will allow for the seizure of evidence that will aide in the investigation into possible civil rights violations.

10. I hereby swear that the above information and facts are true and correct to the best of my knowledge.

Respectfully submitted,



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Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me

On this _____ day of **JUL 09 2009** 2009:


UNITED STATES MAGISTRATE JUDGE

DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

ATTACHMENT A

Description of Vehicle to Be Searched

The vehicle is a 2008 Silver Honda Civic two door, Vehicle Identification Number (VIN) 2HGFG128X8H510900, with Maryland license plate GTF-493.

FD-340 (Rev. 4-11-03)

File Number 282A-WF-240347 -1A(10)

Field Office Acquiring Evidence WF

Serial # of Originating Document _____

Date Received 7-10-09

From U.S. Magistrate Judge Deborah A. Robinson
(Name of Contributor/Interviewee)

(Address)

(City and State)

By SA

To Be Returned ☐ Yes ☒ No

Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☒ No

Federal Taxpayer Information (FTI)

☐ Yes ☒ No

Title: US PARK police shooting of
Tray Simpson.

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Copy of Search Warrant Return to
Judge

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

Silver 2008 Honda Civic Two-Door,
VIN NO. 2HGFG128X8H510900,
Maryland Tag No. GTF-493 located at:

FILED SEARCH WARRANT

JUL 13 2009

MPD Blue Plain Facility
5001 Shepherd Parkway, SW
Washington, D.C. 20020

Clerk, U.S. District and
Bankruptcy Courts

CASE NUMBER:

09-400-M-01

TO: and any Authorized Officer of the United States

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Affidavit(s) having been made before me by Special Agent who has reason to believe that
(name, description and or location)

located within the above premises

in the District of Columbia, there is now concealed a certain person or property, namely (describe the person or property)
evidence, fruits and instrumentalities of violations of federal criminal law

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

July 19, 2009
(Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search ☒ (in the daytime - 6:00 A.M. to 10:00 P.M.) ☐ (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

Date and Time Issued

JUL 09 2009 @ 12:50 PM
DEBORAH A. ROBINSON
U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

at Washington, D.C.


Signature of Judicial Officer

RETURN

DATE WARRANT RECEIVED

7-9-2009

DATE AND TIME WARRANT EXECUTED

7-10-09 @ 9:40 AM

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

-IN UNOCCUPIED HONDA CIVIC,
-COPY ALSO PROVIDED TO MPD OFFICER

INVENTORY MADE IN THE PRESENCE OF

SA

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

1.) CONTENTS OF ASHTRAY FROM CENTER CONSOLE. FIELD TESTED POSITIVE AS MARIJUANA.

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JUL 13 2009

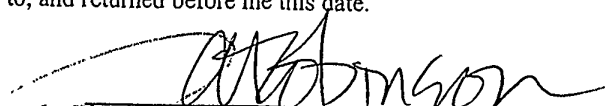
Clerk, U.S. District and
Bankruptcy Courts

CERTIFICATION

I swear that this inventory is a true and detailed account of the property seized by me on the warrant.



Subscribed, sworn to, and returned before me this date.


U.S. Judge or U.S. Magistrate Judge

Date

7/13/09